

**Presentment Date: November 24, 2015 at 12:00 p.m.**  
**Objections Due: November 23, 2015 by 4:30 p.m.**

**GAZES LLC**  
**151 Hudson Street**  
**New York, New York 10013**  
**(212) 765-9000**  
**Ian J. Gazes, Esq.**

**UNITED STATES BANKRUPTCY COURT**  
**SOUTHERN DISTRICT OF NEW YORK**

In re:

FORTUNOFF HOLDINGS, LLC, and  
FORTUNOFF CARD COMPANY, LLC,

Debtors.

Chapter 7 (Converted)  
Case No. 09-10497 (RDD)  
(Jointly Administered)

IAN J. GAZES AS CHAPTER 7 TRUSTEE OF  
THE ESTATE OF FORTUNOFF HOLDINGS,  
LLC, and FORTUNOFF CARD COMPANY,  
LLC,

Plaintiff,

v.

Cassone Leasing, Inc.,

Defendant.

Adv. Pro. No. 10-03394(RDD)

**NOTICE OF PRESENTMENT OF FINAL JUDGMENT (A) GRANTING JUDGMENT  
BY DEFAULT ON THE FIRST AND SECOND CAUSES OF ACTION, AND AN ORDER  
(B) EXPUNGING CLAIMS OF DEFENDANT PURSUANT TO 11 U.S.C. § 502(D)**

**PLEASE TAKE NOTICE THAT**, upon the Application (the “Application of Ian J. Gazes as chapter trustee (the “Trustee” or the “Plaintiff”) of the estates of Fortunoff Holdings, LLC (“Fortunoff Holdings”) and Fortunoff Card Company, LLC (“Fortunoff Card”) and with Fortunoff Holdings, the “Debtors”) for entry of a final judgment, attached hereto as Exhibit “A” (A) granting a default judgment on the first and second causes of action against the above captioned defendant (the “Defendant”) for the amounts sought in the complaint and an order (B)

expunging any proofs of claim filed by the Defendant in the Debtors' cases pursuant to 11 U.S.C. § 502(d) (the "Final Judgment"), notice is hereby given that the annexed proposed Final Judgment will be presented to the Honorable Robert D. Drain in his Chambers at the United States Bankruptcy Court for the Southern District of New York, 300 Quorappas Street, White Plains, New York, 10601 on November 24, 2015 at 12:00 p.m.(the "Presentment Date").

PLEASE TAKE FURTHER NOTICE, that objections, if any, must: (i) be made in writing; (ii) conform to the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules; (iii) set forth the basis for the response and state with specificity the reason or reasons why the relief requested in the Application should not be granted; and (iv) be (a) electronically filed with the Bankruptcy Court at [www.nysb.uscourts.gov](http://www.nysb.uscourts.gov) with a paper copy delivered directly to the Chambers of the Honorable Robert D. Drain, United States Bankruptcy Judge for the Southern District of New York, together with proof of service thereof, and (b) served upon counsel for the Plaintiff, Gazes LLC, 151 Hudson Street, New York, New York 10013, Attn: Ian J. Gazes, Esq. so as to be received not later than 4:30 p.m. on November 23, 2015.

PLEASE TAKE FURTHER NOTICE, that if objections, with proof of service, are not made in accordance with this notice and timely filed and served with a request for a hearing, the proposed final judgment will be presented for signature and may be signed on the Presentment Date without any further notice or hearing.

Dated: New York, New York  
November 9, 2015

GAZES LLC

By: /s/ Ian J. Gazes  
Ian J. Gazes  
151 Hudson Street  
New York, New York 10013  
(212) 765-9000  
*Attorneys for Chapter 7 Trustee*

# **EXHIBIT A**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

FORTUNOFF HOLDINGS, LLC, and  
FORTUNOFF CARD COMPANY, LLC,

Debtors.

Chapter 7 (Converted)  
Case No. 09-10497 (RDD)  
(Jointly Administered)

IAN J. GAZES AS CHAPTER 7 TRUSTEE OF  
THE ESTATE OF FORTUNOFF HOLDINGS,  
LLC, and FORTUNOFF CARD COMPANY,  
LLC,

Plaintiff,

v.

Cassone Leasing, Inc.,

Defendant.

Adv. Pro. No. 10-03394 (RDD)

**FINAL JUDGMENT (A) GRANTING JUDGMENT BY DEFAULT ON THE FIRST  
AND SECOND CAUSES OF ACTION, AND AN ORDER (B) EXPUNGING  
CLAIMS FILED BY THE DEFENDANT**

Upon the application (the “Application”), dated November 4, 2015, of Ian J. Gazes as chapter 7 trustee (the “Trustee” or the “Plaintiff”) of the estates of Fortunoff Holdings, LLC (“Fortunoff Holdings”) and Fortunoff Card Company, LLC (“Fortunoff Card” and with Fortunoff Holdings, the “Debtors”), for entry of an Order of this Court (A) granting judgment by default on the first and second causes of action, and (B) expunging any and all claims filed by Cassone Leasing, Inc. (the “Defendant”) in the Debtors’ cases, pursuant to 11 U.S.C. § 502(d); and it appearing that this Court has jurisdiction over this matter under 28 U.S.C. §§ 157(a), (b)(1), and 1334(b) and the Amended Standing Order of Reference of the United States District Court for the Southern District of New York; and it appearing that consideration of the Application is a core proceeding under 28 U.S.C. §§ 157(b)(2) (A), (B) and (F); and it appearing that venue

of this case, the Application, and this adversary proceeding in this district is proper under 28 U.S.C. §§1408 and 1409(a); and it appearing from the affidavit of service filed with this Court that due and sufficient notice of presentment has been given; and due deliberation having been had thereon and sufficient cause appearing therefore;

NOW THEREFORE,

IT IS HEREBY ORDERED, that the Plaintiff, shall have an entry of default judgment on the First and Second Cause of Action in the amount of \$11,212.68 against the Defendant; plus costs of \$250.00 pursuant to 28 U.S.C. § 1920, plus post judgment interest pursuant to 28 U.S.C. § 1961.

IT IS HEREBY FURTHER ORDERED, that any and all proofs of claim filed by the Defendant in the Debtors' cases are expunged pursuant to 11 U.S.C. § 502(d).

Dated: New York, New York  
\_\_\_\_\_, 2015

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THE HONORABLE ROBERT D. DRAIN  
UNITED STATES BANKRUPTCY JUDGE